

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALDA ROUTHIER,
Plaintiff,

USDC Case No. 19-cv-
HON.

-v-

WAL-MART INC., f/k/a
WAL-MART STORES, INC.,
d/b/a WALMART STORES, INC.
Defendant.

Lower Court Case No: 19-15667-NO

THOMAS J. VEUM (P21826)
Thomas J. Veum, P.C.
Attorneys for Plaintiff
216 Ashmun Street
PO Box 516
Sault Ste Marie, MI 49783
(906) 635-1513

THOMAS L. COOPER (P44194)
Plunkett Cooney
Attorneys for Defendant
406 Bay Street, Suite 300
Petoskey, MI 49770
(231) 348-6433
tcooper@plunkettcooney.com

**NOTICE OF REMOVAL OF CAUSE TO THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN NORTHERN DIVISION**

Please take notice that pursuant to 28 USC §§ 1332, 1441 and 1446, Defendant Walmart Inc, through its attorneys, Plunkett Cooney, hereby removes this action from the Judicial Circuit Court for the County of Chippewa, State of Michigan, to the United States District Court for the Western District of Michigan, Northern Division. In support thereof, Defendant states as follows:

1. The above-captioned matter was filed in the State of Michigan, Chippewa County Circuit Court on or about July 11, 2019, and is now pending in that Court. A true and correct copy of the Complaint is attached as **Exhibit 1**.

2. Defendant Walmart Inc., received a copy and notification of the Summons and Complaint on or about August 2, 2019. Attached hereto as **Exhibit 2** is a true and

correct copy of the Service of Process Transmittal. Thus, in accordance with requirements of 28 USC § 1446(b), this Notice of Removal is filed within 30 days after service on Defendant of a copy of the Summons and Complaint setting forth the claims for relief upon which removal is based.

3. This Court has subject matter jurisdiction pursuant to 28 USC § 1332(a) because (1) Plaintiff and Defendant are citizens of different states, and (2) the amount placed in controversy exceeds the sum or value of \$75,000, exclusive of costs and interests.

4. Specifically, Plaintiff alleges in the Complaint that she is a citizen of Chippewa County, State of Michigan. **Exhibit 1, ¶1.**

5. Defendant Walmart, Inc., is a citizen of the State of Arkansas. **Exhibit 1, ¶2; Exhibit 2.** Walmart Inc., is a Delaware Corporation who maintains its principal place of business at 708 SW 8th Street in Bentonville, Arkansas. **Exhibit 2.**

6. It is believed that Plaintiff seeks to recover damages in excess of \$75,000, exclusive of interest and costs in this matter. Plaintiff alleges she “has and will in the future suffer pain and limitation of her enjoyment of life,” and “has incurred medical expenses, loss of mobility and motion, disability and pain and suffering.” **Exhibit 1, ¶¶16-17.**

7. Thus, this action involves a controversy between citizens of the State of Michigan on one hand as Plaintiff, having complete diversity as to Defendant involving a controversy of more than \$75,000.00 and is therefore properly removed pursuant to 28 USC 1332(a); 28 USC § 1441(b).

8. A true and correct copy of this Notice of Removal will be filed with the Clerk of the 50th Judicial Circuit Court for the County of Chippewa, State of Michigan, and served upon counsel for Plaintiff pursuant to 28 USC §1446(d).

9. In filing this Notice of Removal Defendant does not waive, and specifically reserves, all defenses, exceptions, rights and motions. No statement herein or omission herefrom shall be deemed to constitute an admission by Defendant of any of the allegations of or damages sought in the Complaint.

WHEREFORE, Defendant Walmart Inc, respectfully requests that this action proceed in this Court as an action properly removed.

Respectfully submitted,

PLUNKETT COONEY

Dated: August 30, 2019

/s/ Thomas L. Cooper
THOMAS L. COOPER (P44194)
Attorney for Defendant Walmart, Inc.
406 Bay Street, Suite 300
Petoskey, MI 49770
tcooper@plunkettcooney.com

PROOF OF SERVICE

LINDA MORRISON certifies that copies of Defendant Wal-Mart, Inc's Notice of Removal of Cause To The United States District Court For The Western District Of Michigan, Northern Division and Verification via CM/ECF electronic filing with the United States District Court for the Western District of Michigan, Northern Division, and via email and U.S. Mail, upon:

THOMAS VEUM
Thomas J. Veum, PC
PO Box 515
Sault Ste Marie, MI 49783

/s/Linda Morrison
LINDA MORRISON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALDA ROUTHIER,
Plaintiff,

USDC Case No. 19-cv-
HON.

-v-

WAL-MART INC., f/k/a
WAL-MART STORES, INC.,
d/b/a WALMART STORES, INC.
Defendant.

Lower Court Case No: 19-15667-NO

THOMAS J. VEUM (P21826)
Thomas J. Veum, P.C.
Attorneys for Plaintiff
216 Ashmun Street
PO Box 516
Sault Ste Marie, MI 49783
(906) 635-1513

THOMAS L. COOPER (P44194)
Plunkett Cooney
Attorneys for Defendant
406 Bay Street, Suite 300
Petoskey, MI 49770
(231) 348-6433
tcooper@plunkettcooney.com

VERIFICATION

Thomas L. Cooper, being first duly sworn, deposes and says that he is one of the attorneys for Defendant Wal-Mart Stores, Inc., and that the foregoing Notice for Removal is true in substance and in fact to the best of his knowledge, information and belief.

Respectfully submitted,

PLUNKETT COONEY

Dated: August 30, 2019

/s/ Thomas L. Cooper
THOMAS L. COOPER (P44194)
Attorney for Defendant Wal-Mart
406 Bay Street, Suite 300
Petoskey, MI 49770
(231) 348-6433
tcooper@plunkettcooney.com